

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
March 7, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:12 a.m.

Opening Ceremony: Moment of Silence

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor Rita Shananaquet, Councilor Marvin Mulholland
Absent: Councilor Melvin L. Kiogima, Councilor Gerald Chingwa

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, Office of Enterprise Management Chuck Schofield

Guests: Christina Rohn, Sarah VanDeCar, Rose Smalley, Bill Denemy, Marcia Sutton, John Kawegoma, Tootsie Keshick, Marilyn Hume, Angelina Compeaux, Denise Petoskey, John Liebgott, Howard Martel, Bea Law, Carol McFall, Alice Yellowbank, Ken Gablow, Ellie Barber, Dorothy Boda, Alice Hughes, John Keshick

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve the agenda for March 7, 2010 with additions.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve the minutes of February 21, 2010 as corrected.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to approve the minutes of February 21, 2010 as corrected.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

9:35 a.m. Elder Comments: Rose Smalley spoke regarding the recall petition and Tribal Chairman functions in the government and casino. Sarah VanDeCar spoke regarding the recall petition and Tribal Chairman functions in the government and casino.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept Legislative Leader J. Shananaquet's verbal and written report for March 7, 2010.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to approve an extension for the Forbearance Agreement between Little Traverse Bay Bands of Odawa Indians and MFC Global Investment Management (US) LLC, BlackRock Financial Management Inc., Regiment Capital Advisors, and Pioneer Investment Management Inc., for sixty (60) days from the date of signature with the same terms contained within the original agreement to be negotiated by the Executive.

Vote: 6 - Yes, 0 - No, 1 - Abstained (Treasurer Bott), 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to authorize and approve Legislative Leader Julie Shananaquet, Tribal Councilor Marvin Mulholland, with Tribal Council Mel Kiogima as alternate, Tribal Chair Ken Harrington, General Counsel Jim Bransky with Allie Maldonado as alternate, Legislative Services Attorney Donna Budnick, Interim CFO Cheryl Lesky, Eben Perison of Oppenheimer & Co., Inc and Tim Kincaid of Fredericks Peebles & Morgan to be representatives on behalf of the Tribe to carry out the negotiations within the parameters as directed by Tribal Council with the Bond Lenders or the Ad Hoc Committee of Lenders and shall report back any counter-proposals or findings to the Tribal Council.

Vote: 5 - Yes, 1 - No (Councilor R. Shananaquet), 1 - Abstained (Treasurer Bott), 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Acknowledge Receipt of recall petition results, included in Legislative Leader Report.

9:54 a.m. Motion made by Councilor Bardwell and supported by Councilor Otto to go into closed session for confidential business matters-Casino

Vote: 5 - Yes, 1 - No (Councilor R. Shananaquet), 1 - Abstained (Treasurer Bott), 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

10:29 a.m. Motion made by Councilor Mulholland and supported by Treasurer Bott to return to open session.

Vote: 6 - Yes, 0 – No, 0 – Abstained, 3 - Absent (Councilor Kiogima, Councilor Chingwa, Councilor R. Shananaquet)
Motion carried.

No Tribal Secretary Report.

10:30 a.m. Recess called.

10:40 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept the Tribal Treasurer report and Appropriation and Finance Committee report update as presented by Treasurer Bott for March 7, 2010.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

No Land and Reservation Committee Report.

FYI discussion by Councilor Bardwell regarding National Indian Gaming Association Conference and Councilor Mulholland regarding Sex Offender Registration and Notification Act (SORNA) Conference.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept the Legislative Services Attorney Budnick report for March 7, 2010.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to accept Tribal Chairman Harrington's verbal and written report for March 7, 2010 with confidential items contained therein.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to adopt Tribal Resolution approval of FY 2010 Tribal Transportation improvement program.

Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to adopt Tribal Resolution: Long Range Transportation Plan FY2010.

Roll Call Votes: Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes,

Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Mulholland to adopt Tribal Resolution: Indian Reservation Roads Inventory Additions FY2010. Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to adopt Tribal Resolution: Request for funding from: U.S. Department of Health and Human Services Indian Health Service Little Traverse Bay Bands of Odawa Indians Fiscal Year 2010 Special Diabetes Program for Indians. Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to adopt Tribal Resolution: Request for Funding from the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention Little Traverse Bay Bands of Odawa Indians, Strategic Prevention Framework State Incentive Grant Program SPRING Project. Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor Mulholland and supported by Councilor Bardwell to adopt Tribal Resolution: Funding from Northern Michigan Regional Hospital: Blue Cross Blue Shield of Michigan Foundation Little Traverse Bay Bands of Odawa Indians "Chi-nendimok Odawak Ezhi-ngodwewaangizwad Jiibaakwegamgoong" (A Happy Odawa Family Kitchen). Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor Mulholland and supported by Councilor Bardwell to adopt Tribal Resolution: Request for Funding through the U.S. Fish and Wildlife Service (USFWS) Great Lakes Restoration Initiative (GLRI) Great Lakes Basin

Fish Habitat Partnership Little Traverse Bay Bands of Odawa Indians Maple River Assessment and Baseline Inventory Report.

Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Mulholland to adopt Tribal Resolution: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment: Inter-Tribal Council of Michigan, Inc. Application for: Access To Recovery Grant.

Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to adopt Tribal Resolution: To Provide for a Moratorium on Odawa Casino Resort's Sinking Fund.

Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-abstain, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to adopt Tribal Resolution: to authorize the reestablishment of the line of credit for Bells Fishery, not to exceed \$170,000 from current cash flow.

Roll Call Votes, Councilor Bardwell-yes, Councilor Chingwa - absent, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

11: 45 a.m. Public comment opened: John Kewagama spoke regarding Cost of Living increases and MIS department ability to retrieve documents. Bill Denemy spoke regarding the importance of the Census and the Tribal Council support of the Asian Carp issue. Dexter McNamara spoke in support of Bill Denemy's comment.

11: 51 a.m. Public Comment closed.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to approve the Little Traverse Bay Bands of Odawa Indians Grants, Donation and other Funding Policy as presented on March 7, 2010.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)
Motion carried.

12:02 p.m. Lunch recess called.
1:32 p.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Councilor R. Shananaquet to place the Waganakising Odawak Development Statute on the Legislative calendar.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to place the Waganakising Odawak Development Inc., Corporate Charter on the Legislative Calendar.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott that Tribal Council authorizes the Little Traverse Bay Bands of Odawa Indians Election Board to negotiate a contract for legal counsel not to exceed \$10,000 in the FY 2010 Budget and that the Election Board has approval to employ legal counsel to assist them in carrying out their duties as prescribed by the Little Traverse Bay Bands of Odawa Indians Constitution.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Chingwa)
Motion carried.

The Open Meetings DRAFT Statute was submitted to Legislative Services Attorney Budnick for review prior to bringing back to Tribal Council for consideration to add to the Legislative Calendar.

Draft Work Products: Waganakising Odawak Development Statute and Waganakising Odawak Development Inc., Corporate Charter Draft work product were worked on.

2:47 p.m. Recess called
3:00 p.m. Meeting reconvened.

3:00 p.m. Public Comment opened: Bea Law spoke regarding her employment at the Odawa Casino Hotel Election petitions, and revision of the Election Board Statute. John Kewagama requested clarification of why the election board needs a separate attorney from the tribal attorneys. John Keshick thanked Tribal Council for supporting Bells Fishery, and also spoke regarding the recall petition percentage interpretation by the Election Board.

3:11 p.m. Public Comment closed.

Draft Work Products: activity regarding Waganakising Odawak Development Statute and Waganakising Odawak Development Inc., Corporate Charter Draft continues.

3:58 p.m. Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to adjourn.

Vote: 6 - Yes, 1 – No (Councilor Otto), 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Chingwa)

Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

Date